

MONTANA WATER COURT, YELLOWSTONE DIVISION
YELLOWSTONE RIVER ABOVE AND INCLUDING BRIDGER CREEK BASIN
BASIN 43B
PRELIMINARY DECREE

CLAIMANTS: Antiques & Art of Amana Iowa LLC; Chevy Living Trust;
Sara Katherine Howe Revocable Trust; Bruce L Lay;
Pamela A Lay; Darlene Mann; Jon Mann; Donald S
McLarty; Margarita McLarty; Mary B Miller; Timothy A
Miller; Keith E Neal; Sharon Neal; Virginia R Shane;
Oliver Warden; Carmen I West; Robert B West; Lillie C
Anderson; Beyond Yellowstone Homeowners
Association; Josif Grezlovski; Viktoria Grezlovski; Jena
M Jones; Logan A Jones; KWD Associates LC; Frank J
Saile; Heidi L Saile

CASE 43B-0304-R-2022

43B 194336-00

43B 194340-00

NOTICE OF FILING OF MASTER'S REPORT

This Master's Report was filed with the Montana Water Court on the above stamped date. Please review this report carefully.

You may file a written objection to this Master's Report within **10 days** of the stamped date if you disagree or find errors with the Master's findings of fact, conclusion of law, or recommendations. Rule 23, W.R.Adj.R. If the Master's Report was mailed to you, the Montana Rules of Civil Procedure allow an additional 3 days to be added to the 10-day objection period. Rule 6(d), M.R.Civ.P. If you file an objection, you must mail a copy of the objection to all parties on the service list found at the end of the Master's Report. The original objection and a certificate of mailing to all parties on the service list must be filed with the Water Court.

If you do not file a timely objection, the Water Court will conclude that you agree with the content of this Master's Report.

MASTER'S REPORT

Stockwater claim 43B 194336-00 appeared in the Preliminary Decree with a decree exceeded issue remark and a remark concerning the ownership. Donald P. Strong filed a late objection to the claim. The June 13, 2022 Order Consolidating Case And Setting Filing Deadline set a deadline for the persons identified in the ownership remark to file an ownership update. They did.

Irrigation claim 43B 194340-00 appeared in the Preliminary Decree with the same decree exceeded issue remark, an issue remark concerning the volume, and a remark identifying a possible place of use/ownership issue.

The decree exceeded issue remark is erroneous and will be removed without any further proceedings. The volume issue remark on irrigation claim 43B 194340-00 was not addressed through the objection process. The Water Court is required to resolve the issues raised by each issue remark. Section 85-2-248, MCA. Under Section 85-2-248(3), MCA, information in the claim file or other information obtained by the Court can be reviewed to determine if it provides a sufficient basis to resolve the issue raised by a remark and the Court can provide the claimants an opportunity to file additional information or evidence.

The December 7, 2022 Order Updating Caption And Mailing List, Order Updating Abstracts, and Order Setting Scheduling Conference states that these two claims are a multiple use right and added the multiple use remark to the abstract of each claim. It also identified the three remaining issues in the Case: the Donald Strong late objection to stockwater claim 43B 194336-00, the volume issue remark on irrigation claim 43B 194340-00, and possible errors in the point of diversion legal description and ditch name on both claims. Copies of the late objection and the new marked aerial photograph prepared by the Montana Department of Natural Resources and Conservation ["DNRC"] for the Mill Creek claims using Upland Ditch and Mill Creek Flat Ditch were attached for the claimants to review. The few claimants that appeared at the January 10, 2023 scheduling conference did not want to be substituted as the objector on the Donald P. Strong late objection, agreed to the resolution of the volume issue by removing the volume quantification, and agreed to a filing deadline concerning the point of diversion legal description/ditch name issue.

For the claimants who did not appear at the January 10, 2023 scheduling conference

and objector Donald P. Strong, the January 11, 2023 Court Minutes, Order Entering Defaults, Order Dismissing Objection And Updating Caption And Mailing List, and Orders Setting Filing Deadlines [“January 10, 2023 Orders”] states:

As Antiques & Art of Amana Iowa LLC; Chevy Living Trust; Sara Katherine Howe Revocable Trust; Bruce L. Lay; Pamela A. Lay; Donald S. McLarty; Margarita McLarty; Keith E. Neal; Sharon Neal; Lillie C. Anderson; Beyond Yellowstone Homeowners Association; Josif Grezlovski; Viktoria Grezlovski; Jena M. Jones; Logan A. Jones; KWD Associates LC; Frank J. Saile; Heidi L. Saile, and Donald P. Strong did not appear as directed in the December 7, 2022 Order Updating Caption And Mailing List, Order Updating Abstracts, and Order Setting Scheduling Conference, pursuant to Rule 55(a), M.R.Civ.P., and Rule 22, W.R.Adj.R., it is

ORDERED that the defaults of Antiques & Art of Amana Iowa LLC; Chevy Living Trust; Sara Katherine Howe Revocable Trust; Bruce L. Lay; Pamela A. Lay; Donald S. McLarty; Margarita McLarty; Keith E. Neal; Sharon Neal; Lillie C. Anderson; Beyond Yellowstone Homeowners Association; Josif Grezlovski; Viktoria Grezlovski; Jena M. Jones; Logan A. Jones; KWD Associates LC; Frank J. Saile; Heidi L. Saile, and Donald P. Strong are ENTERED.

None of the claimants present requested substitution as objector in order to pursue the Donald P. Strong late objection. In Case 43B-0305-R-2022, also concerning a Donald P. Strong late objection to a water right previously owned by Donald P. Strong, Mr. Strong filed a statement that he has no interest in his previously owned properties. Noting this statement, and Mr. Strong’s failure to appear at the scheduling conference and failure to prosecute his late objection, it is

ORDERED that the Donald P. Strong late objection to this claim is DISMISSED, and the caption and mailing list are UPDATED by removing Donald P. Strong.

For the volume issue remark on claim 43B 194340-00, the claimants present agreed to remove the quantified volume and insert the following standard direct flow irrigation claim volume remark: THE TOTAL VOLUME OF THE RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE. For the defaulted claimants: under Section 85-2-248(9)(a), MCA, when a claimant fails to comply with an Order issued by the Water Court concerning resolution of an issue remark, the Court can amend the claim to conform it to the information obtained from the other co-claimants. Therefore, it is

ORDERED that the deadline is **February 17, 2023** for Antiques & Art of Amana Iowa LLC; Chevy Living Trust; Sara Katherine Howe Revocable Trust; Bruce L. Lay; Pamela A. Lay; Donald S. McLarty; Margarita McLarty; Keith E. Neal; Sharon Neal; Lillie C. Anderson; Beyond Yellowstone Homeowners Association; Josif Grezlovski; Viktoria Grezlovski; Jena M. Jones; Logan A. Jones; KWD Associates LC; Frank J. Saile, and Heidi L. Saile to show cause in writing why the Court should not proceed with amending the volume of claim 43B 194340-00 as detailed above pursuant to section 85-2-248(9)(a), MCA. If no written show

cause statements are filed by the deadline, the Court will conclude the defaulted claimants agree with amending the volume as detailed above.

Nothing concerning the volume was filed by the defaulted claimants.

For all of the claimants, the January 10, 2023 Orders set a February 17, 2023 deadline for filing documentation addressing the point of diversion/ditch name issue. On February 3, 2023 Timothy A. Miller, Mary B. Miller, Keith E. Neal, and Sharon Neal filed a joint response stating that the ditch name is Mill Creek Flat Ditch and the point of diversion should be changed accordingly. On February 21, 2023 Virginia R. Shane filed a response stating the same. Nothing was filed by the other claimants.

The March 1, 2023 Orders Entering Defaults And Setting Show Cause Filing Deadline first states that nothing was filed by the defaulted parties concerning the volume issue remark and the volume will be changed to the standard remark. For the point of diversion/ditch name issue, the Orders state:

Nothing was filed by Antiques & Art of Amana Iowa LLC; Chevy Living Trust; Sara Katherine Howe Revocable Trust; Bruce L Lay; Pamela A Lay; Darlene Mann; Jon Mann; Donald S McLarty; Margarita McLarty; Oliver Warden; Carmen I West; Robert B West; Lillie C Anderson; Beyond Yellowstone Homeowners Association; Josif Grezlovski; Viktoria Grezlovski; Jena M Jones; Logan A Jones; KWD Associates LC; Frank J Saile, or Heidi L Saile. The defaults of by Antiques & Art of Amana Iowa LLC; Chevy Living Trust; Sara Katherine Howe Revocable Trust; Bruce L Lay; Pamela A Lay; Donald S McLarty; Margarita McLarty; Lillie C Anderson; Beyond Yellowstone Homeowners Association; Josif Grezlovski; Viktoria Grezlovski; Jena M Jones; Logan A Jones; KWD Associates LC; Frank J Saile, and Heidi L Saile have already been entered on January 11, 2023. Pursuant to Rule 55(a), M.R.Civ.P., and Rule 22, W.R.Adj.R., it is

ORDERED that the defaults of Darlene Mann; Jon Mann; Oliver Warden; Carmen I West, and Robert B West are ENTERED, and the defaults of Antiques & Art of Amana Iowa LLC; Chevy Living Trust; Sara Katherine Howe Revocable Trust; Bruce L Lay; Pamela A Lay; Donald S McLarty; Margarita McLarty; Lillie C Anderson; Beyond Yellowstone Homeowners Association; Josif Grezlovski; Viktoria Grezlovski; Jena M Jones; Logan A Jones; KWD Associates LC; Frank J Saile, and Heidi L Saile are AGAIN ENTERED.

Rule 22, W.R.Adj.R., states in part:

SANCTIONS. If a claimant . . . fails to appear at a scheduled conference . . . or fails to comply with an order issued by the water court, the water court, upon . . . its own initiative, may issue such orders of sanction with regard thereto as are just. Sanctions applied against claimants may include termination of the claim.

As a sanction for their failures to comply with the Court's January 11, 2023 Order, pursuant to Rule 22, W.R.Adj.R., it is

ORDERED that the deadline is **March 17, 2023** for Darlene Mann; Jon Mann; Oliver Warden; Carmen I West; Robert B West; Antiques & Art of Amana Iowa LLC; Chevy Living Trust; Sara Katherine Howe Revocable Trust; Bruce L Lay; Pamela A Lay; Donald S McLarty; Margarita McLarty; Lillie C Anderson; Beyond Yellowstone Homeowners Association; Josif Grezlovski; Viktoria Grezlovski; Jena M Jones; Logan A Jones; KWD Associates LC; Frank J Saile, and Heidi L Saile to file written statements showing cause why the Court should not change the Mill Creek Flat Ditch point of diversion legal description on this claim to the NESWNE section 3, T6S, R9E, PARK. If not filed by March 17, 2023, the Court will conclude each of these identified claimants agrees with this change and will proceed with changing the claim as detailed above.

Nothing was filed. These Orders are viewable in the Court's FullCourt Enterprise case management system.

APPLICABLE LAW

"All issue remarks to claims that are not resolved through the filing of an objection as provided in 85-2-233 must be resolved as provided in this section." Section 85-2-248(2), MCA.

A properly filed Statement of Claim for Existing Water Right is prima facie proof of its content pursuant to section 85-2-227, MCA. This prima facie proof may be contradicted and overcome by other evidence that proves, by a preponderance of the evidence, that the elements of the claim do not accurately reflect the beneficial use of the water right as it existed prior to July 1, 1973. This is the burden of proof for every assertion that a claim is incorrect including for claimants objecting to their own claims. Rule 19, W.R.Adj.R.

FINDINGS OF FACT

1. The Preliminary Decree includes the following decree exceeded issue remark on both claims:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE FILED ON THE SAME FORMERLY DECREED WATER RIGHT. THE SUM OF THE CLAIMED FLOW RATES EXCEEDS THE 115 MINER'S INCHES DECREED IN CASE NO. 7583 , PARK COUNTY. 125017-00, 194340-00, 194471-00, 194475-00, 30430-00, 194336-00.

A review of all the claims identified in the remark shows that there are two sets of multiple use claims, and that the calculated flow rate total did not take that into consideration. For the multiple use claims, the flow rate should only be counted once when reviewing whether there

is a decree exceeded issue. In this instance, the claimed flow rate total is actually the exact amount of the decreed right being claimed: 115 miner's inches. The decree exceeded issue remark should be removed as erroneous.

2. Each of these claims were filed by the same claimants (six Strong family members), are for the same water right (June 1, 1908 Donnell's right, decreed in Cause Number 7583, *Allen et al. v. Wampler et al.*, Sixth Judicial District In and For Park County, entered June 1, 1938), and are for two different purposes (stockwater and irrigation). The multiple use remark should be added to the abstract of each claim.

3. For both claims, the Preliminary Decree states that the ditch name is MILL CREEK FLAT DITCH and the point of diversion legal description is the NENENW section 3, T6S, R9E, PARK. The ditch name should not be changed. The legal description should be the NESWNE section 3, T6S, R9E, PARK.

4. For claim stockwater claim 43B 194336-00, the Preliminary Decree also includes the following notice remarks:

A LATE OBJECTION HAS BEEN FILED TO THE PLACE OF USE AND ACRES IRRIGATED OF THIS WATER RIGHT CLAIM. IT WILL BE RESOLVED DURING THE ADJUDICATION OF OBJECTIONS TO THE PRELIMINARY DECREE.

AS OF 9/28/2017 , THIS WATER RIGHT APPEARS TO BE OWNED BY SAILE FRANK J IV & HEIDI LEE , PO BOX 123 , PRAY, MT 59065-0123 ,.

POINT OF DIVERSION AND DITCH NAME WERE MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

These remarks should be removed as having served their notice purposes.

5. For claim irrigation claim 43B 194340-00, the Preliminary Decree states that the volume is 854.95 AC-FT. This is a direct flow irrigation claim. The volume quantification should be removed and replaced with: THE TOTAL VOLUME OF THE RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE. The volume issue remark should be removed as addressed and resolved.

6. For claim irrigation claim 43B 194340-00, the Preliminary Decree also includes the following remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT WERE FILED BY DIFFERENT PARTIES WHO CLAIM OVERLAPPING PLACES OF USE. 43B 37051-05, 43B 194192-00, 43B 194193-00, 43B

194194-00, 43B 194337-00, 43B 194338-00, 43B 194339-00, 43B 194340-00, 43B 194341-00, 43B 194342-00, 43B 194388-00, 43B 194390-00, 43B 194391-00.

POINT OF DIVERSION WAS MODIFIED AS A RESULT OF DNRC REVIEW UNDER MONTANA WATER COURT REEXAMINATION ORDERS. IF NO OBJECTIONS ARE FILED TO THIS CLAIM, THESE ELEMENTS WILL REMAIN AS THEY APPEAR ON THIS ABSTRACT AND THE REMARK WILL BE REMOVED FROM THE CLAIM.

The place of use/ownership overlap remark provides notice of a possible issue. No objection was filed to pursue this possible issue. The point of diversion remark provides notice of the change made prior to issuance of the Preliminary Decree. Both remarks should be removed as having served their notice purposes.

CONCLUSION OF LAW

The Statements of Claim, the new marked aerial photograph prepared by the DNRC, and the information provided by some of the claimants is sufficient to contradict and overcome the prima facie claims and to resolve the issue remarks without evidentiary hearing. Sections 85-2-248(3), (9), and (11), MCA.

RECOMMENDATIONS

Based upon the above Findings of Fact and Conclusion of Law, this Master recommends that the Court make the changes specified in the Findings of Fact to correct the Preliminary Decree for this Basin. A Post Decree Abstract of Water Right Claim for each claim is served with this Report to confirm the recommended changes have been made in the state's centralized record system.

ELECTRONICALLY SIGNED AND DATED BELOW

Service Via USPS Mail:

Lillie C Anderson
337 Stonegate Cir
Billings, MT 59102-6824

Jon Mann
29 O'Rea Creek Rd
Livingston, MT 59047

Antiques & Art of Amana Iowa LLC
1585 E River Rd
PO Box 104
Pray, MT 59065

Donald S McLarty
Margarita McLarty
85 Chicory Rd
Livingston, MT 59047-8704
406-570-1112 C

Beyond Yellowstone Homeowners Assn
% Charles G Duffy
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Timothy A Miller
Mary B Miller
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209 765 6345 H
tim@millerplan.com

Chevy Living Trust
Daniel & Shannon Chevy Trustees
6 Sedona Ln
Livingston, MT 59047

Keith E Neal
Sharon Neal
47 Emigrant Meadows Rd
Pray, MT 59065-7119

Josif Grezlovski
Viktoria Grezlovski
17945 SW 83 Ct
Palmetto Bay, FL 33157

Frank J Saile
Heidi L Saile
PO Box 123
Pray, Mt 59065-0123

Sara Katherine Howe Revocable Trust
Jena M Jones
Logan A Jones
73 Chicory Rd
Livingston, MT 59047-8704

Virginia R Shane
PO Box 33
Pray, MT 59065-0033

KWD Associates LC
1153 E. Sunscape Ln
Draper, UT 84020

Oliver Warden
3 Cascade Ln
Livingston, MT 59047

Bruce L Lay
Pamela A Lay
57 Cutthroat Ln
Livingston, MT 59047
Darlene Mann

Carmen I West
Robert B West
636 SW Dogwood Rd
Port Orchard, WA 98367-8313

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: **43B 194336-00** STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners:

CARMEN I WEST
636 SW DOGWOOD RD
PORT ORCHARD, WA 98367 8313

VIRGINIA R SHANE
PO BOX 33
PRAY, MT 59065 0033

FRANK J SAILE
PO BOX 123
PRAY, MT 59065 0123

JON MANN
67 CHICORY RD
LIVINGSTON, MT 59047

DARLENE MANN
67 CHICORY RD
LIVINGSTON, MT 59047

PAMELA A LAY
57 CUTTHROAT LN
LIVINGSTON, MT 59047

BRUCE L LAY
57 CUTTHROAT LN
LIVINGSTON, MT 59047

DONALD S MCLARTY
85 CHICORY RD
LIVINGSTON, MT 59047 8704

MARGARITA MCLARTY
85 CHICORY RD
LIVINGSTON, MT 59047 8704

KEITH E NEAL
47 EMIGRANT MEADOWS RD
PRAY, MT 59065 7119

SHARON NEAL
47 EMIGRANT MEADOWS RD
PRAY, MT 59065 7119

HEIDI L SAILE
PO BOX 123

PRAY, MT 59065 0123

Owners:

ROBERT B WEST
636 SW DOGWOOD RD
PORT ORCHARD, WA 98367 8313

TIMOTHY A MILLER
PO BOX 140
EMIGRANT, MT 59027

MARY B MILLER
PO BOX 140
EMIGRANT, MT 59027

HOWE SARA KATHERINE REVOCABLE TRUST
73 CHICORY RD
LIVINGSTON, MT 59047 8704

ANTIQUES & ART OF AMANA IOWA LLC
1585 E RIVER RD
PO BOX 104
PRAY, MT 59065

CHEVY LIVING TRUST
DANIEL & SHANNON CHEVY TTEES
6 SEDONA LN
LIVINGSTON, MT 59047

OLIVER WARDEN
3 CASCADE LN
LIVINGSTON, MT 59047 8815

Priority Date: JUNE 1, 1908

Type of Historical Right: DECREED

Purpose (use): STOCK

Flow Rate: A SPECIFIC FLOW RATE HAS NOT BEEN DECREED BECAUSE THIS USE CONSISTS OF STOCK DRINKING DIRECTLY FROM THE SOURCE, OR FROM A DITCH SYSTEM. THE FLOW RATE IS LIMITED TO THE MINIMUM AMOUNT HISTORICALLY NECESSARY TO SUSTAIN THIS PURPOSE.

Volume: THIS RIGHT INCLUDES THE AMOUNT OF WATER CONSUMPTIVELY USED FOR STOCK WATERING PURPOSES AT THE RATE OF 30 GALLONS PER DAY PER ANIMAL UNIT. ANIMAL UNITS SHALL BE BASED ON REASONABLE CARRYING CAPACITY AND HISTORICAL USE OF THE AREA SERVICED BY THIS WATER SOURCE.

Source Name: MILL CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESWNE	3	6S	9E	PARK

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: DITCH

Ditch Name: MILL CREEK FLAT DITCH

Period of Use: APRIL 15 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1			E2NW	18	5S	9E	PARK
2			W2NE	18	5S	9E	PARK
3			E2	12	5S	8E	PARK
4		1		18	5S	9E	PARK
5		2		18	5S	9E	PARK
6		3		18	5S	9E	PARK

Remarks:

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

194336-00 194340-00

AUTHORIZATION TO CHANGE ISSUED 10/23/1989 FOR CHANGE IN POINT OF DIVERSION NOTICE OF COMPLETION DUE 11/30/1991.

POST DECREE
ABSTRACT OF WATER RIGHT CLAIM
YELLOWSTONE RIVER, ABOVE & INCLUDING BRIDGER CREEK
BASIN 43B

Water Right Number: **43B 194340-00** STATEMENT OF CLAIM

Version: 4 -- POST DECREE

Status: ACTIVE

Owners:

KWD ASSOCIATES LC
19 W 620 S
OREM, UT 84058

CARMEN I WEST
636 SW DOGWOOD RD
PORT ORCHARD, WA 98367 8313

VIRGINIA R SHANE
PO BOX 33
PRAY, MT 59065 0033

FRANK J SAILE
PO BOX 123
PRAY, MT 59065 0123

JON MANN
67 CHICORY RD
LIVINGSTON, MT 59047

DARLENE MANN
67 CHICORY RD
LIVINGSTON, MT 59047

PAMELA A LAY
57 CUTTHROAT LN
LIVINGSTON, MT 59047

BRUCE L LAY
57 CUTTHROAT LN
LIVINGSTON, MT 59047

BEYOND YELLOWSTONE HOMEOWNERS ASSN
% CHARLES G DUFFY
PO BOX 70
PRAY, MT 59065 0070

DONALD S MCLARTY
85 CHICORY RD
LIVINGSTON, MT 59047 8704

MARGARITA MCLARTY
85 CHICORY RD
LIVINGSTON, MT 59047 8704

LILLIE C ANDERSON

Owners:

337 STONEGATE CIR
BILLINGS, MT 59102 6824

JOSIF GREZLOVSKI
17945 SW 83 CT
PALMETTO BAY, FL 33157

VIKTORIA GREZLOVSKI
17945 SW 83 CT
PALMETTO BAY, FL 33157

KEITH E NEAL
47 EMIGRANT MEADOWS RD
PRAY, MT 59065 7119

SHARON NEAL
47 EMIGRANT MEADOWS RD
PRAY, MT 59065 7119

HEIDI L SAILE
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LOGAN A JONES
104 CHICORY RD
LIVINGSTON, MT 59047 8724

JENA M JONES
104 CHICORY RD
LIVINGSTON, MT 59047 8724

ANTIQUES & ART OF AMANA IOWA LLC
1585 E RIVER RD
PO BOX 104
PRAY, MT 59065

CHEVY LIVING TRUST
DANIEL & SHANNON CHEVY TTEES
6 SEDONA LN
LIVINGSTON, MT 59047

Owners: OLIVER WARDEN
3 CASCADE LN
LIVINGSTON, MT 59047 8815

Priority Date: JUNE 1, 1908

Type of Historical Right: DECREED

Purpose (use): IRRIGATION

Irrigation Type: FLOOD

***Flow Rate:** 1.80 CFS

Volume: THE TOTAL VOLUME OF THIS WATER RIGHT SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

Climatic Area: 4 - MODERATELY LOW

***Maximum Acres:** 185.50

Source Name: MILL CREEK

Source Type: SURFACE WATER

Point of Diversion and Means of Diversion:

<u>ID</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1		NESWNE	3	6S	9E	PARK

Period of Diversion: APRIL 15 TO OCTOBER 15

Diversion Means: HEADGATE

Ditch Name: MILL CREEK FLAT DITCH

Period of Use: APRIL 15 TO OCTOBER 15

Place of Use:

<u>ID</u>	<u>Acres</u>	<u>Govt Lot</u>	<u>Qtr Sec</u>	<u>Sec</u>	<u>Twp</u>	<u>Rge</u>	<u>County</u>
1	7.00		NWNENW	18	5S	9E	PARK
2	7.00		SWNENW	18	5S	9E	PARK
3	9.00		SENENW	18	5S	9E	PARK
4	8.00		NENENW	18	5S	9E	PARK
5	6.00		NENWNW	18	5S	9E	PARK
6	2.00		NWNWNW	18	5S	9E	PARK
7	7.50		SENWNW	18	5S	9E	PARK
8	7.50		NESWNW	18	5S	9E	PARK
9	4.50		SESWNW	18	5S	9E	PARK
10	10.00		NESENW	18	5S	9E	PARK
11	10.00		NWSENW	18	5S	9E	PARK
12	10.00		SWSENW	18	5S	9E	PARK
13	8.50		SESENW	18	5S	9E	PARK
14	7.00		NWNWNE	18	5S	9E	PARK
15	3.00		SWNWNE	18	5S	9E	PARK
16	6.50		SENWNE	18	5S	9E	PARK
17	10.00		NESWNE	18	5S	9E	PARK
18	8.00		NWSWNE	18	5S	9E	PARK
19	9.50		SWSWNE	18	5S	9E	PARK
20	10.00		SESWNE	18	5S	9E	PARK
21	9.50		NESESE	12	5S	8E	PARK
22	7.50		NWSESE	12	5S	8E	PARK

23	8.00	SWSESE	12	5S	8E	PARK
24	9.50	SESESE	12	5S	8E	PARK
Total:	<u>185.50</u>					

Remarks:

THE WATER RIGHTS FOLLOWING THIS STATEMENT ARE SUPPLEMENTAL WHICH MEANS THE RIGHTS HAVE OVERLAPPING PLACES OF USE. THE RIGHTS CAN BE COMBINED TO IRRIGATE ONLY OVERLAPPING PARCELS. EACH RIGHT IS LIMITED TO THE FLOW RATE AND PLACE OF USE OF THAT INDIVIDUAL RIGHT. THE SUM TOTAL VOLUME OF THESE WATER RIGHTS SHALL NOT EXCEED THE AMOUNT PUT TO HISTORICAL AND BENEFICIAL USE.

194337-00 194339-00 194340-00 194341-00 194342-00

THE WATER RIGHTS LISTED FOLLOWING THIS STATEMENT ARE MULTIPLE USES OF THE SAME RIGHT. THE USE OF THIS RIGHT FOR SEVERAL PURPOSES DOES NOT INCREASE THE EXTENT OF THE WATER RIGHT. RATHER IT DECREES THE RIGHT TO ALTERNATE AND EXCHANGE THE USE (PURPOSE) OF THE WATER IN ACCORD WITH HISTORICAL PRACTICES.

194336-00 194340-00

AUTHORIZATION TO CHANGE ISSUED 10/23/1989 FOR CHANGE IN AOINT OF DIVERSION AND PLACE OF USE, NOTICE OF COMPLETION DUE 11/30/1991.